

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

ORDINANCE
NO. 2001-10

**IN THE MATTER OF AMENDING THE KITTITAS COUNTY CODE CHAPTER 17.58 -
*AIRPORT ZONE***

- WHEREAS:** Kittitas County has been charged with protecting and preserving the Kittitas County Airport; and
- WHEREAS:** It has been established that an amendment to Chapter 17.58 – Airport Zone of the Kittitas County Code must be completed in order to preserve and protect the Kittitas County Airport, and create a notification to the county Citizens of the Airport existence; and
- WHEREAS:** Kittitas County, in cooperation with the City of Ellensburg, created a amended document for approval from both the Board of County Commissioners and the Ellensburg City Council; and
- WHEREAS:** The Kittitas County Planning Commission held a joint Public Hearing with the City Planning Commission on 3/27/2000, and County Planning Commission hearing on 5/22/2000, and on 6/26/2000. The County Planning Commission, with a vote of 6-0, moved the amended document forward with a 'Recommendation of Approval' to the Board of County Commissioners with the following findings and facts:
- 1) The Planning Commission finds that the proposed airport zone tries to balance the concern for airport development with private property in the vicinity.
 - 2) The Planning Commission held numerous public meetings where they accepted written and oral public testimony incorporating that input into their recommendations.
 - 3) The Planning Commission finds the City of Ellensburg Planning Commission and City staff has provided comments which the planning commission considered and incorporated portions into the final proposed document.
 - 4) The Planning Commission finds it is important for the airport zone to continue for public safety and the preservation of the airport
- WHEREAS:** On March 8, 2001, Kittitas County Public Works advertised a SEPA/DNS document and Notice of Action in accordance with Title 15 of the Kittitas County Code; and
- WHEREAS:** Pursuant to RCW 36.70A.140 and Kittitas County Code Title 15B, the Board of County Commissioners held a Public Hearing on 4/24/2001, at Hal Holmes in which they continued to 7/09/2001 for further discussion and research on comments received from the public; and
- WHEREAS:** On 7/09/2001, the Board of County Commissioners held a joint public hearing with the City of Ellensburg Council in which they directed staff to bring this ordinance before them for approval on July 17, 2001, Agenda session; and
- NOW THEREFORE BE IT ORDAINED,** that Chapter 17.58 of the Kittitas County Code be amended as follows in Attachment "A".

Dated this 17th day of July, 2001, at Ellensburg, Washington.

**BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON**

ATTEST:

Original Signed
Clerk of the Board

Original Signed
Perry D. Huston, Chair

Original Signed
Bill Hinkle, Vice-Chair

Original Signed
Max A. Golladay, Commissioner

CHAPTER 17.58

AIRPORT ZONE

SECTIONS:

<u>County Section #</u>		<u>City Section #</u>
17.58.010	Purpose and Intent	13.11.010
17.58.020	Statutory Authority	13.11.020
17.58.030	Definitions	13.11.030
17.58.040	Airport Overlay Zoning District	13.11.040
17.58.050	Uses, Development Requirements and Restrictions	13.11.050
17.58.060	Permits	13.11.060
17.58.070	Non-Conforming Uses	13.11.070
17.58.080	Enforcement & Violations	13.11.080
17.58.090	Appeals	13.11.090
17.58.100	Judicial Review	13.11.100
17.58.110	Conflicting Regulations	13.11.110

17.58.010 PURPOSE AND INTENT

The purpose and intent of this chapter is to establish an airport overlay zoning district on properties located on, adjacent to, and in the vicinity of Bowers Field at Ellensburg, Washington, in order to protect the health, welfare, safety, and quality of life of the general public, property owners, airport operators, and aviation community; and also to ensure compatible land uses in the vicinity, of the affected environments of the airport overlay zoning district. With regulations set forth in the Adopted 14 CFR Federal Aviation Regulations Part 77.

17.58.020 STATUTORY AUTHORITY

This chapter is adopted pursuant to RCW, 36.70A.547 and 36.70A.200 which requires a county, city or town to enact development regulations, to discourage the siting of incompatible land uses adjacent to general aviation airports.

17.58.030 DEFINITIONS

DEFINITIONS: As used in this chapter, unless the context otherwise requires:

1. **“Airport”** means Kittitas County Airport (Bowers Field)“
2. **Airport Elevation”** means one thousand seven hundred sixty-six feet above mean seal level.
3. **“Airport Overlay Zoning District”** shall include the Runway Protection Zone, Inner Safety Zone, Inner Turning Zone, Outer Safety Zone, Sideline Zone, and the Airport Operation Zone as depicted on Map B – Airport Safety Zones and numbered Zones 1-6, respectively and shall also encompass the area identified within 14CFR Federal Aviation Regulation (FAR) Part77, as amended and depicted on Map A – “Part 77”.“
4. **Airport Surface”** means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and along the same slope as the approach zone height limitation slope set forth in Section 17.58.050. The perimeter of the approach surface coincides with the perimeter of the approach zone.
5. **“Approach, transitional, horizontal, and conical zones”** These zones are set forth and defined in Section 17.58.040
6. **“Conical Surface”** means a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet upward to one (1) foot outward for a horizontal distance of four thousand (4000) feet.

7. **“Flammable and Combustible Liquids”** shall be defined as the type and design of underground and above ground liquid storage tanks; the location and design of the fuel dispensers and dispenser nozzles; the design and specifications for related piping, valves and fittings; the location and classification of electrical equipment, including emergency fuel shutdown devices; and specifications for fuel storage and pressure-relief components, and shall be in accordance with Article 52(5201.3.2(#1) Motor Vehicle Fuel – Dispensing Stations), Article 79 (Flammable and Combustible Liquids, specifically Special Options7904), Standard 52-1 of the Uniform Fire Code (1997) and all applicable codes.
8. **“Hazard to Air Navigation”** means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
9. **“Height”** for the purpose of determining the height limits in all zones set forth in this chapter and shown on the airport overlay zoning district map “A”, the datum shall be mean sea level elevation unless otherwise specified.
10. **“Horizontal Surface”** means a horizontal plane one hundred fifty (150) feet above the established airport elevation.
11. **“Larger Than Utility Runway”** means a runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet-powered aircraft.
12. **“Non-Conforming Use”** means any pre-existing structure, object of natural growth, or use of land, which is inconsistent with the provisions of this chapter.
13. **“Non-Precision Instrument Runway”** means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight in non precision instrument approach procedure has been approved or planned.
14. **“Obstruction”** means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 17.58.050.
15. **“Person”** means an individual, firm, partnership, corporation, company, association, joint stock association or government entity. Person includes a trustee, a receiver, an assignee, or a similar representative.
16. **“Precision Instrument Approach”** The precision instrument approach is designed to provide an approach path for exact alignment and descent of an aircraft on final approach to a runway.
17. **“Precision Instrument Runway 29”** The precision approach is a fifty thousand (50,000) foot long trapezoid that is one thousand (1000) feet wide at the point where it meets the primary surface. It has a fifty to one (50:1) slope for the first ten thousand (10,000) feet and a slope of forty to one (40:1) for the remaining forty thousand (40,000) feet. The approach surface is sixteen thousand (16,000) feet wide at the outermost point.
18. **“Primary Surface”** means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 17.58.040. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
19. **“Runway”** means a defined area on an airport prepared for landing and takeoff of aircraft along its length.
20. **“Structure”** means an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
21. **“Transitional Surfaces”** These surfaces extend outward at ninety (90)-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each *one (1)* foot vertically from the sides of the conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety (90) -degree angles to the extended runway centerline.
22. **“Tree”** means any object of natural growth.

23. **“Utility Runway”** means a runway that is constructed for and intended to be used by propeller-driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight or less.
24. **“Visual Runway”** means a runway intended solely for the operation of aircraft using visual approach procedures.

17.58.040 Airport Overlay Zoning District

In order to carry out the provisions of this chapter, there is hereby created an Airport Overlay Zoning District that is composed of the following surface and safety zones. The zones cover a geographic area that is affected by airport activities and are defined on the basis of factors including, but not limited to, aircraft noise, aircraft flight patterns, airport safety zones, local circulation patterns and area development patterns. The boundaries of the airport surface and safety zones are shown on Airport Overlay Zoning District Map “A” – “Part 77” and Map “B” – “Airport Safety Zones”, which are attached hereto and incorporated by reference, and which shall also be on file and open for inspection in the Kittitas County Planning Department, Kittitas County Public Works Department, and the City of Ellensburg community Development Department. The surface and safety zones are overlaid on top of the existing underlying zoning, which remains in full force and effect. Where the requirements imposed by the surface and safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced.

- A. SURFACE ZONES.** In order to carry out the provisions of this chapter, there are created and established certain surface zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Kittitas County Airport (Bowers Field). Such zones are shown on Kittitas County Airport (Bowers Field) Overlay Zoning Map “A”, as amended. Within each of the surface zones there are hereby established certain height restrictions for structures and trees. The surface zones are established and defined as follow:

- 1) Runways 07, 25, and 11 Larger Than Utility With a Visibility Minimum Greater than Three-Fourth Mile Non-Precision Instrument Approach Zone. The five hundred (500) foot inner edge coincides with the width of the primary surface and slopes thirty-four (34) feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and expands to a horizontal distance of three thousand five hundred (3500) feet at a horizontal distance of ten thousand (10,000) feet along the extended runway centerline. Its centerline is the continuation of the runway centerline as depicted on Map “A”. HEIGHT RESTRICTIONS: No object shall penetrate the imaginary line created by a slope thirty-four (34) feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000) along the extended runway centerline.
- 2) Runway 29, Larger Than Utility With a Visibility Minimum Lower than Three-Fourth Mile Precision Instrument Approach zone. The one thousand (1,000) foot inner edge of this approach zone coincides with the width of the primary surface. The approach zone expands uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway as depicted on Map “A”. HEIGHT RESTRICTIONS: No object shall penetrate the imaginary line created by a slope fifty (50) feet outward for each one (1) foot upward for the first ten thousand (10,000) feet of this zone and forty (40) feet outward for each one (1) foot upward for the remaining forty thousand (40,000) feet of this zone.
- 3) Transitional Zones. This zone is defined by a slope seven (7) feet outward for each one (1) foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation which is one hundred thirty nine (139) feet above mean sea level. HEIGHT RESTRICTIONS: No object shall penetrate the imaginary line created by a slope seven (7) feet outward for each one (1) foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Further, where the precision instrument runway approach zone projects beyond the conical zone, no object shall penetrate the imaginary line created by slope seven (7) feet outward for each one (1) foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of five thousand (5000) feet measured at ninety (90) -degree angles to the extended runway centerline
- 4) Horizontal Zone. The zone is established at one hundred fifty (150) feet above the airport elevation or at a height of one thousand nine hundred sixteen (1916) feet above mean sea level by swinging arcs of five thousand (5,000) feet radial for all runways designated utility or visual and ten thousand (10,000) feet for all other

runways from the centers of the primary surface of each runway and connecting adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones. HEIGHT RESTRICTIONS: No object shall penetrate the imaginary horizontal line created at one hundred fifty (150) feet above the airport elevation or at a height above the airport of one thousand nine hundred sixteen (1916) feet above mean sea level.

- 5) Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there for a horizontal distance of four thousand (4,000) feet as depicted in Map "A". HEIGHT RESTRICTIONS: No objects shall penetrate the imaginary line created by a Slope twenty (20) feet outward for each one (1) foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height up to thirty-five hundred (3,500) feet above the surface of the land.

B. SAFETY ZONES. In order to carry out the provisions of this chapter and to promote land use compatibility on lands within and adjacent to and in the vicinity of the Kittitas County Airport (Bowers Field), there are created and established certain safety zones. Such safety zones are shown on Kittitas County Airport (Bowers Field) Overlay Zoning District Map "B", as amended. Within each of the safety zones, certain land use limitations are established and certain development standards are imposed in addition to the land uses and development standards of the underlying zoning. Where the requirements imposed by these safety zones, conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced. The safety zones are established and defined as follows:

- 1) Runway Protection Zone 1. An area extending beyond the centerlines of Runways 11,29,07, and 25 as depicted on Map "B" (shaded area #1). This zone begins from the outer boundaries of the primary surface, two hundred 200 feet from the ends of the runways and extends out one thousand seventeen hundred (1700) feet to its widest point, which measures one thousand and ten (1010) feet across, five hundred and five (505) feet on either side of the runway centerline.
- 2) Inner Safety Zone 2. An area extending beyond the centerlines of Runways 11,29,07, and 25 as depicted in Map B (shaded area #2). This zone begins at the end of the Runway Protection Zone 1 and extends out two thousand eight hundred (2800) feet, The zone measures one thousand and ten (1010) feet across, five hundred and five (505) feet on either side of the runway centerline.
- 3) Inner Turning Zone 3. A fan shaped area extending beyond the center lines of Runways 11,29,07, and 25 as depicted on Map B (shaded area #3) This zone begins at the primary surface, two hundred (200) feet from the end of the runway centerline and extends out with a sixty (60) foot radius arc on either side of the runway centerline to four thousand five hundred (4500) feet and connects to the centerline of the Inner Safety Zone with sweeping arcs.
- 4) Outer Safety Zone 4. Area extending beyond the center lines of Runways 11,29,07, and 25 as depicted on Map B (shaded area #4) This zone begins at the end of the Inner Safety Zone and extends out three thousand (3000) feet. The zone measures one thousand (1000) feet across, five hundred (500) feet on either side of the runway centerline.
- 5) Sideline Zone 5. An area adjacent to Runways 11, 29, 07, and 25 as depicted on Map B (shaded area #5). This zone begins from the outer boundaries of the primary surface, and extends out one thousand (1000) feet perpendicular to the primary surface and connects to the sixty (60)-degree sector of the Inner Turning Zone.
- 6) Airport Operations Zone 6. This zone is depicted on Map "B" (shaded area #6) and begins from the outer boundaries of the Sideline Zone and extends out five thousand (5000) feet perpendicular to the primary surface and connects to the sixty (60)-degree sector of the Inner Turning Zone.

17.58.50 USES, DEVELOPMENT REQUIREMENTS AND RESTRICTIONS

A. GENERAL DEVELOPMENT REQUIREMENTS AND RESTRICTIONS APPLICABLE TO ALL ZONES.

1. **UNDERLYING ZONING REQUIREMENTS.** In addition to the Airport Overlay Zoning District development requirements and restrictions set forth in subsections 2-9 below and in TABLE 1 below, all uses and activities are at all times subject to the requirements of the underlying zoning district. Where the

requirements and restrictions imposed by the Airport Overlay Zoning District surface and safety zones conflict with the requirements of the underlying zoning district, the more restrictive requirement shall be applied.

2. **PRE-ANNEXATION/ANNEXATION.** Once the parcel is annexed into the Ellensburg City Limits, the parcel shall adopt by reference the density requirements of the City of Ellensburg.
3. **HEIGHT.** All uses shall be subject at all times to the height restrictions set forth in Section 17.58.040(A) above.
4. **SIGNAL AND RADIO COMMUNICATION INTERFERENCE.** Electrical interference with navigational signals or radio communication between the airport and aircraft is prohibited and will be regulated in accordance with rules and regulations promulgated and enforced by the Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations.
5. **LIGHTING AND GLARE.** Activities or uses that create lighting which make it difficult for pilots to distinguish between airport lights and non-airport lights or that create glare in the eyes of pilots using the airport is prohibited. All outdoor lighting fixtures shall be arranged and shielded so that area lighting shall not shine into the sky.
6. **VISIBILITY.** Activities or uses that create excessive amounts of dust, smoke, or other emissions that may result in impairment of visibility in the vicinity of the airport are discouraged and will be regulated in accordance with rules and regulations promulgated and enforced by the Washington State Department of Ecology under the Clean Air Act and other state and federal regulations.
7. **LARGE BODIES OF WATER.** Activities or uses that create large areas of standing water are discouraged and shall be reviewed and regulated in accordance with the provisions set forth in the County's State Environmental Policy Act (SEPA) Regulations as set forth in Kittitas County Code 15.04.
8. **FLAMMABLE AND COMBUSTIBLE MATERIAL.** Flammable and Combustible liquids and specifications for fuel storage shall be in accordance with the Uniform Fire Code and all applicable codes as adopted in Kittitas County Building Code Title 14.
9. **NOISE INSULATION.** Noise insulation for new structures shall be in accordance with the Uniform Building Code and the Washington State Energy Code as adopted in Kittitas County Building Code Title 14.
10. **SUBDIVISION.** When any division of land including short plats, plats, cluster subdivisions, and planned unit developments, occur on any land within the airport overlay zoning district safety zones 1-6, a note located on the first page of the plat, shall be recorded with the County Auditor as follows:

"This property is located within the Airport Overlay Zoning District in which a variety of airport aviation activities occur. Such airport aviation activities may impact the use of your property."

Table:**Note: All aviation uses are acceptable only on Airport Property.**

<u>Airport Overlay Zones</u>	<u>Applicable uses</u>
Zone 1 Runway Protection Zone)	<ol style="list-style-type: none">1. Land uses, which by their nature will be relatively unoccupied by people should be encouraged (mini-storage, small parking lots etc.)2. Schools, play fields, hospitals, nursing homes, and churches are prohibited.
Zone 2 (Inner Safety Zone)	<ol style="list-style-type: none">1. Schools, play fields, hospitals, nursing homes, and churches are prohibited.2. Outside of the existing Ellensburg Urban Growth Area (UGA) the average density will be one (1) dwelling unit per three (3) acres on the property at the date of adoption of this ordinance ____.3. Inside the existing Ellensburg Urban Growth Area (UGA) the average density will be one (1) dwelling unit per one (1) acre on the property at the date of adoption of this ordinance ____.

Zone 3 (Inner Turning Zone)	<ol style="list-style-type: none"> 1. Schools, play fields, hospitals, nursing homes, and churches are prohibited. 2. Flammable and Combustible liquids and specifications for fuel storage shall be in accordance with Article 52 & 79, the Uniform Fire Code (UFC) standard 52-1, and applicable codes. 4. Outside of the existing Ellensburg Urban Growth Area (UGA) the average density will be one (1) dwelling unit per three (3) acres on the property at the date of adoption of this ordinance ____. 5. Inside the existing Ellensburg Urban Growth Area (UGA) for lands zoned Agricultural – 3 the average density will be one (1) dwelling unit per three (3) acres on the property at the date of adoption of this ordinance ____. 6. Inside the existing Ellensburg Urban Growth Area (UGA) for lands zoned Suburban the average density will be one (1) dwelling unit per one (1) acre on the property at the date of adoption of this ordinance ____.
Zone 4 (Outer Safety Zone)	<ol style="list-style-type: none"> 1. Schools, play fields, hospitals, nursing homes, and churches are prohibited. 2. Outside of the existing Ellensburg Urban Growth Area (UGA) the average density will be one (1) dwelling unit per three (3) acres on the property at the date of adoption of this ordinance ____. 3. Inside the existing Ellensburg Urban Growth Area (UGA) for lands zoned Suburban the average density will be one (1) dwelling unit per one (1) acre on the property at the date of adoption of this ordinance ____.
Zone 5 (Sideline Zone)	<ol style="list-style-type: none"> 1. All aviation related uses are permitted. 2. Schools, play fields, hospitals, nursing homes, and churches are prohibited.
Zone 6 (Airport Operations Zone)	<ol style="list-style-type: none"> 1. All aviation related uses are permitted within airport property. 2. Outside of the existing Ellensburg Urban Growth Area (UGA) the average density will be one (1) dwelling unit per three (3) acres on the property at the date of adoption of this ordinance ____. 3. Inside the existing Ellensburg Urban Growth Area (UGA) the average density will be one (1) dwelling unit per one (1) acre on the property at the date of adoption of this ordinance ____.

A. Future Uses. Except as specifically provided in subdivisions (1), (2), and (3) of this subsection, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created unless a permit therefore has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree is consistent with the provisions of this chapter. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with subsection (D) of this section.

- 1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - 2) In areas lying within the limits of the approach zones but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
 - 3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.
- B. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of the ordinance codified in this chapter or any amendments thereto or than it is when the application for a permit is made.
- C. Non-conforming Uses abandoned or destroyed. Whenever the Airport Manager, or his or her designee determines that a non-conforming or structure as been abandoned or more than eighty percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- D. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may apply to the board of adjustment for a variance from such regulations. The application for variance shall be accomplished by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter. A copy of the variance application shall be forwarded to the Kittitas County Airport Manager by the Kittitas County Planning Department consistent with the notification procedures under Title 15A of this code.
- E. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary.

17.58.070 NON-CONFORMING USE

- 1) Regulations Not Retroactive. The regulations prescribed in this chapter shall not be construed to required the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations at the effective date of the ordinance codified in this chapter, nor shall such be construed to require any change in the construction or alteration of any structure or tree which was begun prior to the effective date of the ordinance codified in this chapter, and which is diligently being prosecuted.

17.58.080 VIOLATIONS AND ENFORCEMENT

It shall be the duty of the Code Enforcement of the Kittitas County Building Department to administer and enforce the regulations prescribed in this chapter.

17.58.090 APPEALS

Any person aggrieved, by any order, requirement, decision or determination made by an administrative official in the processing of any application made under this Chapter or in the actual decision made as required by this Chapter may appeal to the Board of Adjustment as provided in RCW 14.12.190.

17.58.100 JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the circuit court as provided in Section III of Chapter 12 of the Public Laws of the State.

17.58.110 CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Res. 83-10, 1983)